

July 6, 2023

***VIA ECF***

The Honorable Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. Donville Inniss**  
**Case No.: 18-cr-00134-KAM**

Dear Judge Matsumoto:

I write the Court in response to its February 21 and March 23, 2023 Orders concerning Mr. Inniss' Motion to Vacate, Set Aside, or Correct his Sentence under 28 U.S.C. § 2255 ("Motion to Vacate"). (D.E. 154). As the record will reflect, I represented Mr. Inniss only at Sentencing and throughout the appeal of his conviction in the Second Circuit Court of Appeals (2d. Cir. Case No.: 21-1211).

Following the Second Circuit's issuance of its Summary Order affirming the Court's judgment of conviction, I have not had any contact with Mr. Inniss, who has since terminated my services as his attorney – which I assume is why Mr. Inniss' Motion to Vacate was filed *pro se*.

Your February and March 2023 Orders instruct me to respond to Mr. Inniss' Motion to Vacate; however, I was not Mr. Inniss' trial counsel, to whom the Motion is directed. My understanding is that ordinarily, the Department of Justice addresses the merits of such a motion.

However, if you do in fact require a response from me, I believe Mr. Inniss' Motion to Vacate is well taken, and that he received ineffective assistance of counsel under the standard set forth in Strickland v. Washington, 466 U.S. 668 (1984), due to his trial lawyers' deficient performance and the resulting prejudice from same.

Respectfully submitted,

*/s/ Joel Hirschhorn, Esq.*  
JOEL HIRSCHHORN  
*Admitted Pro Hac Vice*

JH/adu

cc: All Counsel of Record (via ECF)